

Tabled 12/18/69

MEMORANDUM

Resubmitted 1/2/70

TO: Boston Redevelopment Authority
FROM: John D. Warner, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petition No. Z-1724
Gaetano Guarino
350-360 North Street, Boston

Petitioner seeks an extension of a non-conforming use and three variances to erect a three bay lubritorium and office addition to an existing gas station in an Apartment (H-3) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 9-1	Extension of a non-conforming use requires a Board of Appeal hearing		
Sect. 18-1	Front yard is insufficient (North St.)	15 ft.	0
Sect. 18-4	Front yard is insufficient (Harris St.)	15 ft.	0
Sect. 20-1	Rear yard is insufficient	12 ft.	8

The property, located on North Street at the intersection of Harris Street, contains a one story gas station. The proposed expansion of this non-conforming use is undesirable. The proposal would have a harmful effect on the surrounding properties which are all residential. Recommend denial.

VOTED: That in connection with Petition No. Z-1724, brought by Gaetano Guarino, 350-360 North Street, Boston, for an extension of a non-conforming use and variances of insufficient front and rear yards to erect a three bay lubritorium and office to an existing gas station in an Apartment (H-3) district, the Boston Redevelopment Authority recommends denial. The proposed expansion of this non-conforming use is undesirable and would have a harmful effect on surrounding properties which are all residential.



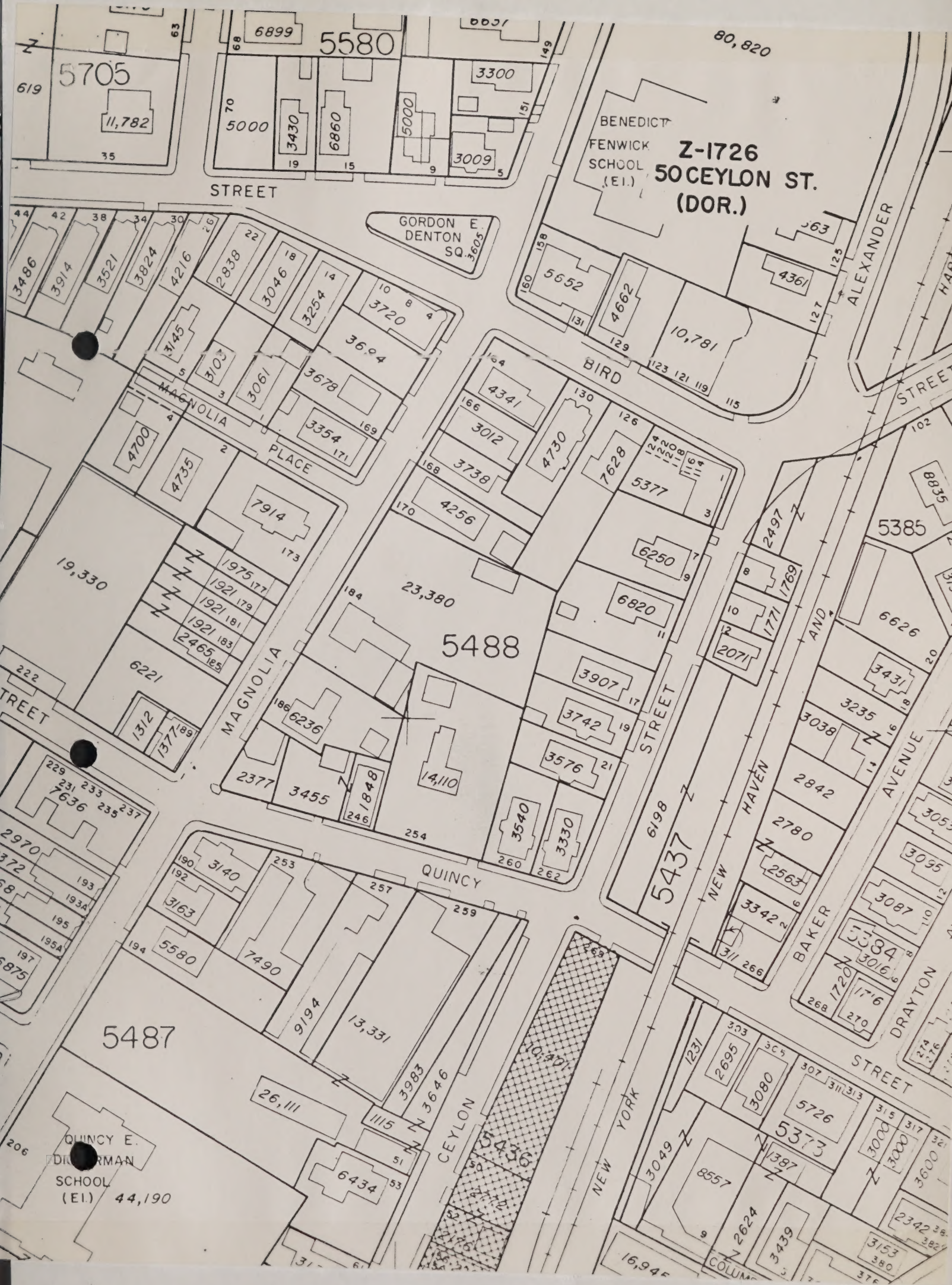
Re: Petition No. Z-1726
Sharman Realty Trust
50 Ceylon Street, Dorchester

Petitioner seeks two variances to erect a one story plumbing supply warehouse in a Light Manufacturing (M-1) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 18-1 Front yard is not provided	20 ft.	0
Sect. 20-1 Rear yard is not provided	10 ft.	0

The property, located on Ceylon Street near the intersection of Quincy Street in the Model Cities area, contains 20,274 square feet. Foundation work for the proposed warehouse has already been started. There is no objection to the proposed use. The staff, however, recommends the following provisos: That a seven foot front yard be provided for the full length of the building on Ceylon Street; that the side yard be suitably landscaped and fenced to provide a screen from the residential properties on Quincy Street; and that the loading occur at the left end of the building to allow access along Ceylon Street. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-1726, brought by Sharman Realty Trust, 50 Ceylon Street, Dorchester, for variances of insufficient front and rear yards to erect a one story plumbing supply warehouse in a Light Manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: That a seven foot front yard be provided for the full length of the building on Ceylon Street; that the side yard be suitably landscaped and fenced to provide a screen from the residential properties on Quincy Street; and that all loading occur at the left end of the building to allow access along Ceylon Street.



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BENEDICT FENWICK SCHOOL (E.I.)
Z-1726
50 CEYLON ST.
(DOR.)

GORDON E. DENTON SQ.
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QUINCY E. DENTON SCHOOL (E.I.)
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Re: Petition Nos. Z-1722 & Z-1723
Tyler Realty Trust
94 & 96 Tyler Street, Boston

Petitioner seeks four variances for a change of occupancy of two existing dwellings each from four apartments to nine apartments in a General Business (B-4) district. The proposal would violate the code as follows:

		Req'd.	Proposed
<u>94 Tyler Street</u>			
Sect. 17-1	Usable open space is insufficient	150 sf/du	96 sf/du
Sect. 23-1	Off-street parking not provided	3 spaces	0
<u>96 Tyler Street</u>			
Sect. 17-1	Usable open space is insufficient	150 sf/du	96 sf/du
Sect. 23-1	Off-street parking not provided	3 spaces	0

The property, located on Tyler Street at the intersection of Oak Street in the South Cove Urban Renewal Area, contains two four story brick apartment dwellings. The petitioner proposes one basement apartment and two apartments per floor in each dwelling. The proposed increase in residential density is both excessive and undesirable. The serious traffic conditions presently existing in the neighborhood would be further intensified by the proposal. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-1722-Z-1723, brought by Tyler Realty Trust, 94-96 Tyler Street, Boston, for variances of insufficient open space and off-street parking not provided for a change of occupancy of two existing dwellings each from four apartments to nine apartments in a General Business (B-4) district, the Boston Redevelopment Authority recommends denial. The proposed increase in residential density is both excessive and undesirable. The serious traffic conditions presently existing in the neighborhood would be further intensified by the proposal.



Z-1722-1723
94-96 TYLER ST
(B.P.)

Re: Petition No. Z-1727
Stanley W. Blinstrub
306 West Broadway, South Boston

Petitioner seeks a Conditional Use Permit to erect a one story gas service station in a General Business (B-1) district. The proposal would violate the code as follows:

Sect. 8-7 A gasoline service station is a Conditional Use
in a B-1 district.

The property, located on West Broadway at the intersection of D Street and opposite the D Street public housing project, contains 19,074 square feet of vacant land. The proposed gas service station is inappropriate in this densely residential area. Recommend denial.

VOTED: That in connection with Petition No. Z-1727, brought by Stanley W. Blinstrub, 306 West Broadway, South Boston, for a Conditional Use Permit to erect a one story gas service station in a General Business (B-1) district, the Boston Redevelopment Authority recommends denial. The proposed gas service station is inappropriate in this dense residential area.



Z-1727
306 W. BROADWAY
(S. B.)

DRAKE
SCHOOL

POLICE
STATION
No 6

BROADWAY

WEST

PAGE'S CT

D

STREET

Re: Petition No. Z-1729
Boston Congregation of Jehovah's
Witnesses
10 Kingsboro Park, Jamaica Plain

Petitioner seeks three variances to erect a one story masonry addition to a church in a Residential (R-.5) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 19-1 Side yard is insufficient	10 ft.	9 ft.
Sect. 21-1 Rear yard is insufficient	40 ft.	12 ft.
Sect. 23-1 Off-street parking is insufficient	5 spaces	0

The property, located on Kingsboro Park near the intersection of Centre Street, contains a one story church structure. The petitioner proposes to erect an addition at the rear of the existing structure. The proposal is incompatible with this single and two family residential neighborhood and would intensify the parking and circulation problems presently existing in the area. Recommend denial.

VOTED: That in connection with Petition No. Z-1729, brought by the Boston Congregation of Jehovah's Witnesses, 10 Kingsboro Park, Jamaica Plain, for variances of the zoning code because of insufficient side yard, rear yard and off-street parking. Petitioner plans to erect a one story addition to a church in a Residential (R-.5) district. The Boston Redevelopment Authority recommends denial. The proposed addition is incompatible with this single and two family neighborhood and would intensify the traffic and circulation problems presently existing in the area.

[illegible]

Re: Petition No. Z-1713
Beacon Hill Theatre
537-539 Washington Street &
24-36 Mason Street, Boston

Petitioner seeks a variance for a change of occupancy from a theatre and stores to a theatre, offices and 24 apartments in a General Business (B-10) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 17-1 Usable open space is insufficient	50 sf/du	0

The property, a four story theatre and commercial structure, is located on a through lot from Washington Street to Mason Street between West and Avery Streets. The theatre, formerly the Keith Memorial, is now known as the Savoy. Recognizing the low demand for major office space in older buildings along this section of Washington Street, the staff would have no objection to the rehabilitation of this building and the proposed apartment use. The open space violation is existing. Recommend approval.

VOTED: That in connection with Petition No. Z-1713, brought by Beacon Hill Theatre, 537-539 Washington Street & 24-36 Mason Street, Boston, for a variance of insufficient open space for a change of occupancy from a theatre and stores to a theatre, offices and 24 apartments in a General Business (B-10) district, the Boston Redevelopment Authority recommends approval. The demand for major office space along this section of Washington Street is low. The proposed residential conversion and rehabilitation would improve the structure and enhance the general character of the area.



STREET

MASON ST

AVERY

HAYMARKET

1018

THEATRE

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1961

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DEPARTMENT

STATE

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STREET

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MAYFLOWER

THEATRE

HARLEM PLACE

3685

1054

MEMORIAL THEATRE

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PARKING AREA

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PARAMOUNT THEATRE

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Re: Petition No. Z-1730
Rose Arenda
575 American Legion Highway and
620 Canterbury Street, Roslindale

Petitioner seeks a Conditional Use Permit and a Forbidden Use Permit to erect a two story parking garage, a two story office building and for the outdoor storage of wire and cable in a Local Business (L-.5) district. The proposal would violate the code as follows:

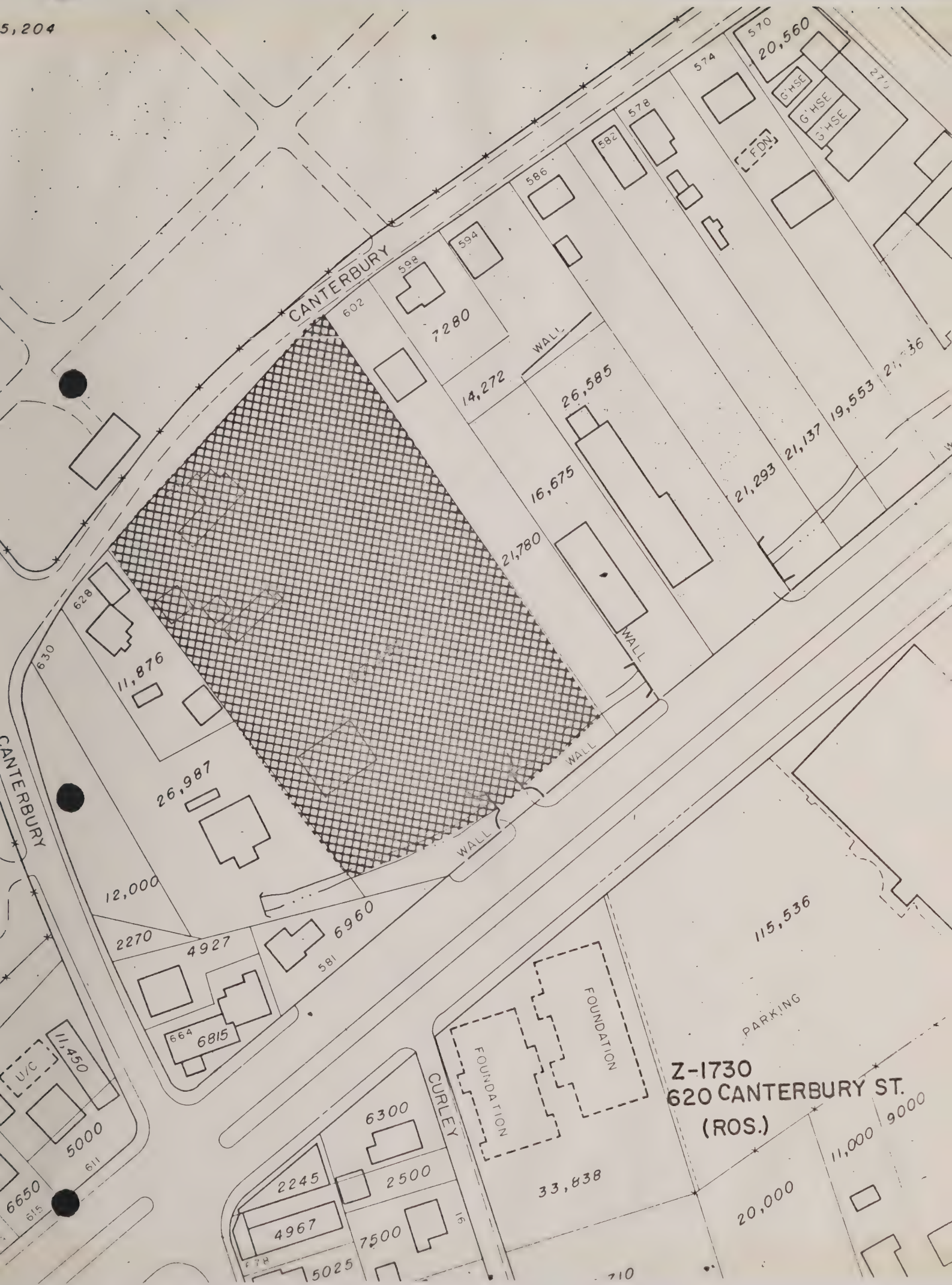
Sect. 8-7 A parking garage with two accessory gasoline pumps
is a Conditional use in an L-.5 district

Sect. 8-7 The outdoor storage of wire and cable is Forbidden
in an L-.5 district.

The property, located on American Legion Highway at the intersection of Canterbury Street, contains 109,585 feet of land. Apparently the property would be sold or leased to the New England Telephone Company. There is no objection to the proposed office, parking garage and storage of telephone wire and cable. However, the staff would recommend that the Canterbury Street side of the property be adequately landscaped to provide an effective screen from the adjacent cemetery. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1730, brought by Rose Arenda, 575 American Legion Highway and 620 Canterbury Street, Roslindale, for a Conditional Use Permit and a Forbidden Use Permit to erect a two story parking garage, a two story office building and for the outdoor storage of wire and cable in a Local Business (L-.5) district, the Boston Redevelopment Authority recommends approval with the proviso that the Canterbury Street side of the property be adequately landscaped to provide an effective screen from the adjacent cemetery.

5,204



Re: Petition No. Z-1732
Lucy Giordano
752 Bennington Street, East Boston

Petitioner seeks a Conditional Use Permit and a variance to erect a two story restaurant and drive-in restaurant in a Local Business (L-.5) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7 A drive-in restaurant is a Conditional Use in an L-.5 district		
Sect. 18-1 Front yard is insufficient (sign and refuse container are within required front yard)		

15 ft.

0

The property, located on Bennington Street at the intersection of Trident Street, contains a one story drive-in restaurant. The proposal would replace an existing similar use. Landscape screening or adequate fencing should be provided between the proposed restaurant and the residential properties on Bennington Street. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1732, brought by Lucy Giordano, 752 Bennington Street, East Boston, for a Conditional Use Permit and a variance of insufficient front yard to erect a two story restaurant and drive-in restaurant in a Local Business (L-.5) district, the Boston Redevelopment Authority recommends approval provided that adequate landscape screening or adequate fencing be supplied between the proposed restaurant and the residential properties on Bennington Street.

[illegible]

Re: Petitions Nos. Z-1733-Z1734
Massachusetts Historical Society
15 Hemenway Street & 1154 Boylston Street
Boston

Petitioner seeks a Forbidden Use Permit for a nine car parking lot and five variances to erect a six story addition to a library building in an Apartment (H-3) district. The proposal would violate the code as follows:

<u>15 Hemenway Street</u>		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A parking lot for nine cars is Forbidden in an H-3 district.		
<u>1154 Boylston Street</u>			
Sect. 15-1	Floor area ratio is excessive	3.0	3.9
Sect. 18-4	Front yard is insufficient	15 ft.	0
Sect. 20-1	Rear yard is insufficient	30 ft.	0
Sect. 21-1	Setback of parapet is not provided	19 ft.	0
Sect. 23-3	Off-street parking is not provided	11 spaces	0

The property, located on Boylston Street at the intersection of the Fenway in the Fenway Urban Renewal Area, contains a three story masonry structure. The proposed library addition to the Massachusetts Historical Building is appropriate. The staff is opposed to the proposed demolition of an existing three story row structure on Hemenway Street to provide a parking lot for nine cars. The residence is the end building of several existing row buildings. The petitioner should supply the required off-street parking in nearby garages or lots. Recommend approval of the proposed library addition provided that the off-street parking can be supplied without the unnecessary demolition of the residential building on Hemenway Street.

VOTED: That in connection with Petitions Nos. Z-1733-Z-1734, brought by the Massachusetts Historical Society, 1154 Boylston Street and 15 Hemenway Street for a Forbidden Use Permit to use premises for a nine car parking lot and variances of excessive floor area ratio, insufficient front and rear yards, parapet setback and off-street parking not provided to erect a six story addition to a library building in an Apartment (H-3) district, the Boston Redevelopment Authority recommends approval of the proposed library addition provided the required off-street parking can be provided without the unnecessary demolition of the residential structure on Hemenway Street. The proposed demolition would destroy the architectural continuity of the existing row structures.



Re: Petition No. Z-1735
Dennis Mullins
178-188 Harvard Avenue, Allston

Petitioner seeks a variance for a change of occupancy from retail stores to cocktail lounge, restaurant, retail store and supermarket in a General Business (B-1) district. The proposal would violate the code as follows:

Sect. 23-2 Off-street parking facilities are not provided.

The property, located on Harvard Avenue near the intersection of Commonwealth Avenue, contains a one story commercial structure. The petition would legalize an existing occupancy of a restaurant, retail store and supermarket. The petitioner now proposes to install a cocktail lounge in the basement. The submitted plan is inadequate and the number of required off-street parking spaces, cannot be determined. However, since it would be impossible to supply off-street parking on the property, the staff would recommend that the petitioner ascertain in writing to the Board of Appeal the acquisition of space, either through purchase or lease, for the required off-street parking. Recommend ~~approval~~ *denial* with proviso.

VOTED: That in connection with Petition No. Z-1735, brought by Dennis Mullins, 178-188 Harvard Avenue, Allston, for a variance of off-street parking facilities for a change of occupancy from retail stores to cocktail lounge, restaurant, retail store and supermarket in a General Business (B-1) district, the Boston Redevelopment Authority recommends ~~approval~~ *denial unless* ~~provided~~ the required off-street parking is supplied. The petitioner should affirm in writing to the Board of Appeal the acquisition of space, either through purchase or lease, for the required off-street parking facilities.



Re: Petition No. Z-1736
Kenmore Square Realty Inc.
64-76 Brookline Avenue, 2-4- Jersey Street &
72-82 Lansdowne Street, Boston

Petitioner seeks a variance to alter the floor plans of a commercial structure in a General Business (B-2) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 23-2 Off-street parking is not provided.	25 spaces	0

The property, located on Brookline Avenue at the intersections of Jersey and Lansdowne Streets, contains a two story commercial structure, containing a restaurant lounge, bowling alley, stores, office and school. The restaurant lounge, with a seating capacity of 201 would be altered. There is no vacant land contiguous to the property for off-street parking. The petitioner states that he has available and would use non-contiguous parking facilities. Recommend approval provided the required off-street parking is supplied.

VOTED: That in connection with Petition No. Z-1736, brought by Kenmore Square Realty Inc., 64-76 Brookline Avenue, 2-4 Jersey Street, 78-82 Lansdowne Street, Boston, for a variance of off-street parking not provided to alter the floor plans of a commercial structure in a General Business (B-2) district, the Boston Redevelopment Authority recommends approval provided the petitioner affirms in writing to the Board of Appeal the acquisition of space for the required off-street parking facilities either through purchase or lease.



SALVATION ARMY
SOCIAL SERVICE CENTER
34,838

LANDSDOWNE

7021
FENMORE
STATION
U.S.
POST
OFFICE

22,764
4497

FENWAY PARK

4498

33,300

Z-1736
64-76 BROOKLINE AVE
(B.P.)

STREET

IPSWICH

59,347
4499

28,881

10,046
14,043

9069

14,833

2750

5700

35,466

Re: Petition No. Z-1731
W.T. Kirley & Sons Lumber Co.
1022-1030 Wm. T. Morrissey Boulevard
Dorchester

Petitioner seeks four variances to erect a $1\frac{1}{2}$ story addition to a lumber storage building in a Light Manufacturing (M-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 18-1	Front yard is insufficient	20 ft.	2 ft.
Sect. 20-1	Rear yard is insufficient	12 ft.	2 ft.
Sect. 23-1	Off-street parking is insufficient	24 spaces	0
Sect. 24-1	Off-street loading is insufficient	1 bay	0

The property, located on Morrissey Boulevard near the intersection of Tolman Street, contains a lumber storage building. The proposed addition would replace a structure which was destroyed by fire. The petitioner proposes to supply 30 off-street parking facilities on land, also owned by the petitioner, across the street from the proposal. Approximately 90% of the off-street loading occurs at the rear of the property from a railroad siding. Recommend approval.

VOTED: That in connection with Petition No. Z-1731, brought by W.T. Kirley & Sons Lumber Co., 1022-1030 Wm. T. Morrissey Boulevard, Dorchester, for variances of insufficient front yard, rear yard, off-street parking and off-street loading to erect a $1\frac{1}{2}$ story addition to a lumber storage building in a Light Manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval. The petitioner proposes to supply 30 off-street parking spaces across Norwood Street on land owned by the petitioner. Approximately 90% of the off-street loading occurs at the rear of the property from a railroad siding.



Z-1731
1022-1030 MORRISSEY BLVD
(DOR.)

Zoning Referrals

1/2/70

Re: Map Amendment Application No. 97
Frances R. Penniston
14 Hallet St., Dorchester


The petitioner seeks to change two parcels of land, containing approximately 9380 square feet from an R-.5 (General Residence with a floor area ratio of .5) to a B-1 (General Business with a floor area ratio of 1) District in the Dorchester section of Boston. One parcel is vacant; the other contains a residential structure. They are on the east side of Hallet Street, north of Gallivan Boulevard, and abut a B-1 District which fronts on Gallivan Boulevard. The part of Hallet Street affected is residential in nature; there is no justification for a commercial intrusion into the residential district.

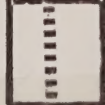
Last July, the same petitioner requested that the same parcel of land be rezoned in this same manner (Map Amendment Application No. 85). The Boston Redevelopment Authority recommended denial of that application July 17, 1969. The Zoning Commission denied the application August 28, 1969. The staff knows of no changes in circumstances which would change the recommendation voted last July. Recommend denial.


VOTED: That in connection with Map Amendment Application No. 97, brought by Frances R. Penniston, 14 Hallet Street, Dorchester, to change an area of land approximately 9380 square feet from a General Residence (R-.5) to a General Business (B-1) District, the Boston Redevelopment Authority recommends denial. This part of Hallet Street is residential in nature. The extension of the business zone fronting on Gallivan Boulevard into this residential side street is unwarranted by any special circumstances.



SOUTH DORCHESTER, MASS

AREA INVOLVED 

AREA NOTIFIED 

ZONE BOUNDARY 

ZONING MAP NO. 8